

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDIBERTO CABRERA,

Plaintiff,

v.

OFFICER DEE, et al.,

Defendants.

No. C 11-2676 JSW (PR)

**ORDER GRANTING IN PART
MOTION FOR ADDITIONAL
PHONE CALLS AND FOR
INVESTIGATOR**

(Docket No. 22)


Plaintiff, an inmate at the Santa Clara County Jail proceeding pro se, filed this rights action pursuant to 42 U.S.C. § 1983. Defendants have filed a motion for summary judgment. Plaintiff's opposition was due on June 14, 2012. Plaintiff has filed a motion for the assistance of an investigator and to be allowed additional phone calls. Plaintiff indicates that he is currently in solitary confinement where he is allowed one phone call per week, and that due to shackling he is unable to write while he is on the phone. He requests that jail officials allow him ten phone calls. There is no constitutional right to an investigator in a civil case, nor is the Court aware of any other authority requiring such appointment. Consequently, no investigator will be appointed. However, Plaintiff has shown cause for additional phone calls in order to have a fair opportunity to prepare an opposition to Defendants' motion. Defendants shall allow him to make up to three

1 phone calls per week over the four weeks following the date this order is filed.
2 Plaintiff's motion (docket number 22) is GRANTED IN PART AND DENIED IN
3 PART.

4 The deadline for Plaintiff to file an opposition to Defendants' motion for summary
5 judgment is extended to and including **August 25, 2012**. Defendants **shall** file a reply
6 brief within **14 days** of the date any opposition is filed.

7 IT IS SO ORDERED.

8 DATED: July 9, 2012

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10 JEFFREY S. WHITE
11 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

EDEBERTO CABRERA,

Plaintiff,

v.

OFFICER DEE et al,

Defendant.

Case Number: CV11-02676 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 9, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ediberto Cabrera
885 N. San Pedro Street
DTY 532 07048290
San Jose, CA 95110

Dated: July 9, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk